

Remarks

I. Introduction

Claims 1-16 are pending and stand rejected. Claims 1, 3, 5, 7, 9 and 11-16 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,204,663 to Lee ("the Lee patent"). Claims 2, 4, 6, 8 and 10 were rejected under 35 U.S.C. 103 over the Lee patent in view of U.S. Patent No. 5,729,101 to Richmond et al. ("the Richmond patent"). The Office Action also stated that an IDS form was not included with the application. The Applicants traverse the rejections for the reasons stated below.

II. The 102 Rejections are Traversed

Claims 1, 3, 5, 7, 9 and 11-16 were rejected as being anticipated by the Lee patent. In rejecting these claims, the Office Action stated that the Lee patent describes "an activation chip (10) (i.e. smart card) connectable (i.e. when latch with the card acceptor 100) to said control system (20) wherein said chip (10) can activate functions of said control system (1000) (column 5, line 54 to column 6, lines 17, column 8, lines 10-62; see FIGS. 1 and 4)". The Applicants respectfully traverses these rejections for the reasons stated below.

Amended claim 1 recites that the activation device "comprises data describing actions of said control system and responsive to input signals received by the control system." The claim further states that these actions perform the "functions of said control system."

In one example of such an approach, the features of gated security barrier systems are programmed into a generic control board. For instance, for a one gate barrier system, the speed at which the gate opens and closes and the time delays between opening and closing the gate are programmed. For a two gate system, the coordination of opening and closing each gate to avoid entrapping a vehicle may be a parameters that are programmed. Enablement of operation of the features of the system is accomplished using data written into the chip. The chip is inserted into the control board and the features associated with the data on the chip may be activated.

The Applicant's system offers the advantage that only one master gate controller board need be manufactured with sets of features corresponding to corresponding codes. Another advantage is that the activation device may be programmed with appropriate data to set the features of the system quickly and easily. This allows a customer to upgrade and/or change the system features with minimal effort.

In contrast to the applicants' approach, the Lee patent describes a system including a readable card that does not have stored data that defines functions of the system. Moreover, the data is not used responsively to received system inputs. Instead, in the Lee system, the data on a sliding card is in the form of access codes that describe only *the identity and other information concerning the user*, not any actions that define system features. (Lee patent, col. 3, line 59- col. 4, line 27). In addition, the data on the sliding card is used only when the user manually slides the card through an acceptor, and is not responsively used due to any received input signals. (Lee patent, col. 3, ll. 31-41). Therefore, the Lee patent teaches the opposite of what the applicants claim.

Amended claim 1 also states that an activation device is semi-permanently connectable to the control system. For example, the activation device may be inserted into a socket where it is expected to control overall operations for an extended period of time. The device may be held in the socket by a clip (see Specification at p. 7 and FIG. 4). In contrast, the Lee patent teaches the use of a sliding card that is quickly passed through an acceptor (see Fig. 1 of the Lee patent) and never is semi-permanently connected to the acceptor. In other words, Lee teaches the opposite of what the Applicants claim.

The Applicants' claimed semi-permanent connection between the activation device and the system is advantageous because the activation device is securely attached to the control system thereby preventing the activation device from being lost or misplaced. Such is a preferred way to control the functions of the system. In contrast, the sliding card of the Lee patent is, by design, easily transportable and, therefore, can be easily lost and/or misplaced thereby losing any required data contained on the card. Such transportability is expected because the card defines the user carrying it, not the overall system function.

Since an element of claim 1 is not taught by Lee, claim 1 is allowable. Claims 2-10 depend directly or indirectly upon claim 1. Since claim 1 is allowable, claims 2-10 are allowable.

Also, amended method claim 11 requires looking for "an activation device", "associating codes on the device with received input signals, the codes defining actions and features of the device responsive to input signals," "reading by the system of codes on the device," "matching the code on the device with a look up table of codes saved in a memory of the system," and "activating features of the security system associated with the matched code." Claim 11 is allowable for the same reasons as described above with respect to claim 1. Claims 12-16 depend directly or indirectly upon claim 11. Since claim 11 is allowable, claims 12-16 are allowable.

III. The 103 Rejections are Traversed

Claims 2, 4, 6, 8 and 10 were rejected under 35 U.S.C. 103 over the Lee patent in view of the Richmond patent. The Office Action stated that although Lee does not disclose a sensing system, the Richmond patent teaches a sensing system and that it would have been obvious to add the sensing system of Richmond to Lee "to provide a condition to control the gate in order to avoid tailgating and to provide a safer environment for pedestrians". The Applicants respectfully disagree with these assertions.

Obviousness can only be established by combining references to produce the claimed invention where there is some teaching, suggestion or motivation for making the combination. In re Kotzab, 217 F 3d 1365 (Fed. Cir. 2000). The Richmond patent describes a gate operator for moving a gate from opened and closed positions. (Richmond patent, abstract). Loop sensors are used to sense the positions of vehicles (Richmond patent, Fig. 10). In contrast, the Lee system describes a door opener for an enclosed space, for instance, a hotel room (Lee patent, abstract). The problem addressed by Lee is accessing a secure area using the sliding key card. Lee is in no way concerned with where the user is located. In other words, the Lee system is unconcerned with location of the card user relative to opening the door. Because of this fact, no motivation exists for the proposed combination because no advantage could be gained by Lee for having "loop sensors". Thus, the above-identified claims are allowable over the proposed combination.

IV. The New Claims are Allowable

Applicants' new claims 17-26 are directed toward a system with an activation device that is securely and semi-permanently attached to the control system. In addition, the functions of the system are activated without the need for subsequent user interaction after the device has been initially installed. It is believed that these factors distinguish the claims over the prior art of record, and, therefore, it is believed that these new claims are allowable.

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V. Conclusion

The Office Action stated that an IDS form was required. Apparently, the Examiner believes an IDS was submitted by the Applicants. However, the Applicants have no record of making an IDS submission. The Examiner is respectfully requested to identify the references believed submitted by the Applicants and the date the submission was made.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135

Respectfully submitted,

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